

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

Blue Spike, LLC,

*Plaintiff,*

V.

Texas Instruments, Inc., et al.,

*Defendants.*

Civil Action No. 6:12-cv-00499

# JURY TRIAL DEMANDED

**DECLARATION OF RANDALL GARTEISER IN SUPPORT OF**  
**PLAINTIFF'S OPPOSITION TO DEFENDANT TECHNICOLOR SA'S**  
**MOTION TO DISMISS [DKT. 560]**

I, Randall T. Garteiser, declare as follows:

1. I, Randall T. Garteiser, am a partner in the law firm of Garteiser Honea, P.C. We represent Plaintiff Blue Spike LLC in this lawsuit. I have personal knowledge of the information contained in this declaration and can testify to the truth of these statements.

2. Attached hereto as Exhibit 1 is a true and correct copy of a screenshot I took and downloaded from the Internet on December 13, 2012, at <http://www.technicolor.com/en/hi/about>. It contains a quote wherein Technicolor boasts it “lead[s] the market in delivering advanced video services to content creators and distributors.”

3. Attached hereto as Exhibit 2 is a true and correct copy of a screenshot I downloaded from the Internet.

4. Attached hereto as Exhibit 3 is a true and correct copy of a screenshot I downloaded from the Internet.

5. Attached hereto as Exhibit 4 is a true and correct copy of a screenshot I downloaded from the Internet.

6. Attached hereto as Exhibit 5 is a true and correct copy of a Technicolor S.A. promotional brochure I download from the Internet on or about July 5, 2012. It contains contact information for people to make inquiries. It recites on the last page (page 4 of the document) that “Video fingerprinting enables a wide spectrum of applications ranging from content enrichment to copyright infringement prevention.” In fact, the brochure itself bears a U.S. copyright dated 2010.

7. Attached hereto as Exhibit 6 is a true and correct copy of a screenshot I downloaded from the Internet.

8. Attached hereto as Exhibit 7 is a true and correct copy of a screenshot I downloaded from the Internet on December 11, 2012. It announces that Technicolor is utilizing Vobile’s “VDNA Fingerprinting Technology” and includes quotes from Technicolor’s Vice President of Security Services, Aaron Markham, who said, “The solution we developed with Vobile will enable content owners to further automate the management and control of media as a part of their everyday production and business processes.” The article goes on to recite from Technicolor’s Executive as saying, “Technicolor believes that it is essential to include the digital fingerprinting process in post-production workflows, and we are pleased to be a leader in our adoption of such technologies.”

9. Attached hereto as Exhibit 8 is a true and correct copy of a screenshot I took on December 11, 2012, from Technicolor's website from the United States. It contains a video describing how it can help monetize digital media content "anywhere in the world." Technicolor does not exclude the United States or Texas from its advertisement. Specifically, the Technicolor's website recites "Technicolor enables content owners and content distributors to monetize their assets, providing a broad range of services to help create, manage and deliver content anywhere in the world."

I declare on December 13, 2012, in Marin County under penalty of perjury under the laws of the United States and California that the statements made in this declaration are true and correct.

/s/ Randall Garteiser

Randall T. Garteiser